

JP

Notice of Allowability	Application No.	Applicant(s)	
	10/082,246	HANSON ET AL.	
	Examiner Jerrold Johnson	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to authorization of Examiner's Amendment made on 29 September 2006.
2. The allowed claim(s) is/are 29-43.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by John Preta on 29 September 2006.

The application has been amended as follows:

Claims 1-7,9-15,17,21,22 and 25-28 are cancelled.

New claims 29-43, patentable over the prior art of record and drafted by the Examiner are entered and allowed.

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29. (New) An L-shaped flat mail sleeve packaging system made of a foldable material and having opposite facing ends and being adapted to stack product with bound and non bound edges in a constrained homogenous mass suitable for mailing, comprising:

a first constraining wall having a first constraining surface;

a second constraining wall having a second constraining surface, the second constraining wall being positioned with respect to the first constraining wall at a substantially perpendicular angle thereto so as to define the "L" shape of the L-shaped flat mail sleeve;

an end of the first constraining wall being folded over to form an end cap that is adapted to protect an end product of the stack and add rigidity to the flat mail sleeve packaging system;

the end cap extending only partially across a width of the second constraining wall so as to define a partially opened end of one of the opposite facing ends;

a first binding member extending from a first edge of the second constraining wall to the second edge of the second constraining wall for securing the stacked product with bound and non bound edges on the L-shaped flat mail sleeve;

wherein:

the first and second constraining walls are adapted for having the product placed therebetween with the bound and non bound edges of the product all facing in a same direction without collapsing, and

when the product is placed in the L-shaped flat mail sleeve packaging system, two sides of the product are covered by the first and second constraining walls of the L-shaped flat mail sleeve packaging system while two other sides of the product remain uncovered by the L-shaped flat mail sleeve packaging system.

30. (New) The flat mail sleeve packaging system of claim 29, wherein a width of the first and second constraining walls is at least equal to or greater than corresponding width dimensions of the stacked product.

31. (New) The flat mail sleeve packaging system of claim 29, further comprising a second binding member, substantially perpendicular to the first binding member, used to provide additional stability to a stack of the product.

32. (New) The flat mail sleeve packaging system of claim 29, wherein the first and second constraining walls form a corner therebetween which is adapted to conform to a corner of the product.

33. (New) The flat mail sleeve packaging system of claim 29, wherein a width of the first and second constraining walls is adapted to be at last equal to the bound edges and the non bound edges of the product stacked thereon.

34. (New) The flat mail sleeve packaging system of claim 29, further comprising another endcap extending from the other end of the first constraining wall.

35. (New) The flat mail sleeve packaging system of claim 29, wherein the end cap has an overall length and a width which is greater than the overall length, whereby the overall length of the end cap is defined between a free end of the end cap and a corner formed by the end cap and the first constraining wall.

36. (New) The flat mail sleeve packaging system of claim 29, wherein the width of the end cap is greater than a length of the end cap.

37. (New) The flat mail sleeve packaging system of claim 29, wherein the width of the end cap corresponds to a width of the first constraining wall.

38. (New) An L-shaped flat mail sleeve packaging system made of a foldable material and having opposite facing ends and being adapted to stack product with bound and non bound edges in a constrained homogenous mass suitable for mailing, comprising:

a first constraining wall having a first constraining surface, a length and a width;

a second constraining wall having a second constraining surface, a length and a width, the second constraining wall being positioned with respect to the first constraining wall at a substantially perpendicular angle thereto to form a corner therebetween which is adapted to conform to a corner of the product, and so as to define the "L" shape of the L-shaped flat mail sleeve;

a portion of the first constraining wall being folded over to form an end cap that is adapted to protect an end product of the stack and add rigidity to the flat mail sleeve packaging system;

the end cap having a width that corresponds to the width of the first constraining wall and a length extending only partially across a width of the second constraining wall so as to define a partially opened end of one of the opposite facing ends; and

a first binding member traversing the length of the second constraining wall;
wherein:

each width of the first and second constraining walls is at last equal to the bound edges and the non bound edges of the product stacked thereon, and the first and second constraining walls are adapted for having the product placed therebetween with the bound edges of the product all facing in a same direction, and

when the stacked product is placed in the L-shaped flat mail sleeve packaging system, two sides of the stacked product are covered by the first and second constraining walls of the L-shaped flat mail sleeve packaging system while two other sides of the stacked product remain uncovered by the L-shaped flat mail sleeve packaging system.

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39. (New) The flat mail sleeve packaging system of claim 38, further comprising a second binding member, substantially perpendicular to the first binding member, used to provide additional stability to a stack of the product.

40. (New) The flat mail sleeve packaging system of claim 38, wherein the width of the first and second constraining walls is adapted to be larger than the bound edges and the non bound edges of the product stacked thereon.

41. (New) The flat mail sleeve packaging system of claim 38, wherein the width of the end cap is greater than the length of the end cap.

42. (New) An L-shaped flat mail sleeve packaging system made of a foldable material and having opposite facing ends and being adapted to stack product with bound and non bound edges in a constrained homogenous mass suitable for mailing, comprising:

an upper extending constraining wall having a first constraining surface and an overall length defined by corners of folded over first and second ends of the upper extending constraining wall;

a bottom constraining wall having a second constraining surface, the bottom constraining wall being positioned with respect to the upper extending constraining wall at a substantially perpendicular angle thereto so as to define the "L" shape of the L-shaped flat mail sleeve;

the folded over first and second ends of the upper extending constraining wall forming end caps that are adapted to protect end products of the stack and add rigidity to the flat mail sleeve packaging system;

one of the end caps extending only partially across a width of the second constraining wall so as to define a partially opened end of one of the opposite facing ends;

a first binding member extending along a length of the bottom constraining wall from one edge of the bottom constraining wall to another edge of the bottom constraining wall; and

a second binding member, substantially perpendicular to the first binding member, used to provide additional stability to the stack of the product;

wherein:

the upper extending and bottom constraining walls are adapted for having the product placed therebetween with the bound edges and non bound edges of the product all facing in a same direction without collapsing, and

when the stacked product is placed in the L-shaped flat mail sleeve packaging system, two sides of the stacked product are covered by the first and second constraining walls of the L-shaped flat mail sleeve packaging system while two other sides of the stacked product remain uncovered by the L-shaped flat mail sleeve packaging system.

43. (New) The flat mail sleeve packaging system of claim 42, wherein the overall length is greater than a width of the upper extending constraining wall.

The following is an examiner's statement of reasons for allowance:

Although the prior art is replete with L shaped elements used in a multitude of divergent purposes, especially as storage receptacles for books, etc., the prior art did not disclose a packaging system that is suitable for mailing having an "L" shape with an end cap folded over so as to only extends partially across the lower wall of the L shaped sleeve, and a binding member for securing product on the sleeve. Very few of the references with such an "L" shape would have a legitimate purpose for such a binding member and fewer still would be suitable for mailing product having a bound and non bound edge. Of those small number of references that would be suitable for this purpose and that would have a need for a binding member, as claimed, there was no teaching found as to why any of such references would legitimately be modified so as to have a folded end cap of the configuration claimed.

Accordingly, the claims 29-43 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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